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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/695,705 | 10/29/2003 | Yu Zheng | PAT-1536 | 5550 |
| 7590 | 05/14/2009 | | EXAMINER | |
| Raymond Sun 12420 Woodhall Way Tustin, CA 92782 | | | DONNELLY, JEROME W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3764 | |
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| | | | 05/14/2009 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | |
|------------------------------|--------------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/695,705 | ZHENG, YU |
| | Examiner | Art Unit |
| | JEROME W. DONNELLY | 3764 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 7/21/08
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application. 21-28 and 34-40
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) _____ is/are rejected. 21-28 and 34-40
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JEROME DONNELLY
PRIMARY EXAMINER

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application
6) Other: _____

Response to applicant's Amendment and Remarks

In response to the applicant's amendment to claim 1 the applicant is reminded that the size of a ball has not been claimed and that this limitation fails to add any substantial limitations to the claims.

The examiner also notes that a ball has not been claimed.

The examiner further notes that as directed to claim 7 and 20, the top side of coiled wire 30, can and will be considered as a track, applicant has failed to detail any specifics of the track.

Cancel claims 29-33.

It is not clear as to what claim are pending in the application. In previous correspondences the applicant has canceled claims and amended some claims that have already been canceled.

The examiner is renumbering all claims which have been submitted on 1.14/08 as being new claims 21-40. Claims 9-13 have been canceled and therefore newly submitted claims 29-33 are canceled and will not be examined on the merits.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21, 23, 24, 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Abel.

Abel discloses a device comprising a coiled wire supporting a covering made of mesh, said mesh having holes openings positioned in said covering sidewalls.

In regard to claim 23, Abel discloses a device having a first end with an opening.

In regard to claims 24 and 25 Abel discloses a tie member (42) the member 63 and tie members (62) which are located between the ends of a container (20).

In regard to claim 27 and as broadly claimed element 30 represents a helical track.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abel in view of Joo-Tai and further in view of McMahan et al.

Abel discloses a bag, which is a container. Joo-Tai discloses a very similar device which is titled as a container. McMahan et al discloses a combination of a basketball goal and a container.

Given the combined teachings the examiner notes that it would have been obvious to one of ordinary skill in the art to provide as the container on which to mount the basketball goal, a container such as Abel for the purpose of providing a collapsible portable container.

Claims 26 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abel in view of Peska.

Abel discloses the device of 26 and 40 substantially as claimed absent the device including a wall on a first end, said wall having an opening.

Peska discloses a device having a top wall on a first end, said wall having an opening. Peska discloses that it is desired to have an opening within a device such as

the opening in the top panel of a device for the purpose of placing objects into the container. Peska also points out that opening may be placed in other places on his device such as side walls of his device (see col. 3, lines 25-36).

Claims 21 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coddington.

Coddington discloses a design patent comprising a coil member a covering and at least one opening in an end wall, said end wall having a zipper to close an opening.

The examiner takes Judicial Notice that coils in children's play barrels are made of wire and coverings of children's play tunnels are made of mesh and wherein mesh coverings have openings there through.

In regard to claim 40, the examiner considers the upper surface of the coil of Coddington as a track.

Claims 28, 34, 36, 37, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coddington in view of Brereton.

Coddington discloses the device of claim 28 substantially as claimed absent the device including ties located on its ends and between said first and second ends.

Brereton discloses a device having such a configuration of ties given the above teachings of Brereton Fig. 2, the examiner notes that it would have been obvious to one of ordinary skill in the art to provide ties on the length Coddington for the purpose of altering the shape of Coddington. (See the abstract of Coddington).

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abel in view of Joo-Tai McMahan et al and further in view of Brereton.

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Abel modified by Joo-Tai and McMahan et al discloses a device as claimed in claim 35, substantially as claimed absent the device including ties located along the length of his device.

Brereton teaches the usage of tie members positioned along the length of a coiled tubular member for the purpose of altering the shape and effective length of said tubular member.

Given the above teaching of Brereton the examiner notes that it would have been obvious to one of ordinary skill in the art to provide tie members along the length of Abel for the purpose of allowing a user to change the effective length and capacity of the device of Abel modified supra.

Claim 21-40 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"The terms "tunnel like", "about" and communicating" are considered as relative terms which render the claims as being indefinite.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571)272-4975.

JEROME DONNELLY
PRIMARY EXAMINER

Jerome Donnelly